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022913

7590

07/05/2005

**WORKMAN NYDEGGER  
(F/K/A WORKMAN NYDEGGER & SEELEY)  
60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111  
08/15/2005 NGUYEN2 00000011 09894661**

01 FC:1501 1400.00 OP  
02 FC:1504 300.00 OP  
03 FC:8001 45.00 OP

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,661	06/28/2001	Kenichi Higuchi	3815/125	6964

TITLE OF INVENTION: TRANSMISSION POWER CONTROL METHOD AND MOBILE COMMUNICATION SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	10/05/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
FAN, CHIEH M	2638	375-130000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Workman Nydegger

2 \_\_\_\_\_

3 \_\_\_\_\_

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

NTT DoCoMo, Inc.

11-1, Nagatacho 2-Chome, Chiyoda, Tokyo, 100-6150, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

☒ Issue Fee☐ A check in the amount of the fee(s) is enclosed.☒ Publication Fee (No small entity discount permitted)☒ Payment by credit card. Form PTO-2038 is attached.☒ Advance Order - # of Copies 15☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 23-3178 (enclose an extra copy of this form).**5. Change in Entity Status (from status indicated above)**☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date August 12, 2005Typed or printed name Adrian J. LeeRegistration No. 42,785

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Express Mailing Label No.: EV 627625531 US

PATENT APPLICATION

Docket No: 15689.74

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
)  
Kenichi Higuchi et al. )  
)  
Serial No.: 09/894,661 ) Art Unit  
) 2631  
Filed: June 28, 2001 )  
)  
Conf. No.: 6964 )  
)  
For: TRANSMISSION POWER CONTROL METHOD )  
AND MOBILE COMMUNICATION SYSTEM )  
)  
Examiner: Chieh M. Fan )  
)  
Customer No.: 022913 )

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

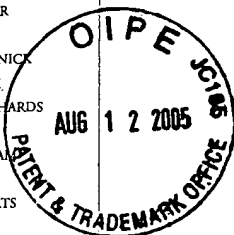
I hereby certify that following documents are being deposited with the United States Postal Service as Express Mail (EV627625531US), postage prepaid, in an envelope addressed to: Box: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12<sup>th</sup> day of August 2005.

- Transmittal of Issue Fee (3 pages)
- PTO Form PTOL-85B transmitting payment of Issue Fee and Publication Fee
- PTO 2038 Credit Card form for \$1,745.00
- Postcard

Respectfully submitted,

Adrian J. Lee  
Attorney for Applicant  
Registration No. 42,785  
Customer No. 022913

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022913

### TRANSMITTAL OF ISSUE FEE PAYMENT

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Issue Fee Due dated July 5, 2005, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above identified patent application:

X Issue Fee Transmittal (PTOL-85B) submitted pursuant to 37 C.F.R. § 1.311.



R. PARRISH FREEMAN, JR.  
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JONATHAN M. BENNS, PH.D.

VERNON R. RICE §  
OF COUNSEL

☐ A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.

☒ A Certificate of Deposit Under 37 C.F.R. § 1.8 is enclosed.

☐ Pursuant to the request for submission of formal drawings, enclosed are the following:

☐ A Letter to the Official Draftsperson;

☐ A set of \_\_\_\_\_ ( ) sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.

☐ A duplicate set of the \_\_\_\_\_ ( ) sheets of formal drawings with the changes therein highlighted in red.

☒ PTO 2038 Credit Card form for \$1,745.00 is enclosed to cover:

☒ The \$1,400.00 government issue fee pursuant to 37 C.F.R. § 1.18.

☒ The \$300.00 government publication fee pursuant to 37 C.F.R. § 1.18.(d)

☒ The \$45.00 fee for fifteen (15) copies of the patent when issued.

☒ The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

Comments on Statement of Reasons for Allowance

On page 5 of the Examiner's Notice of Allowability, the Examiner has indicated that no prior art was found that "The prior art of record does not teach that two steps of (or means for) correcting are performed at a higher hierarchy station as well as a lower base station. That is, a target reception error rate is corrected at the higher hierarchy station, and a measured reception error rate is compared with the corrected target reception error rate at the lower base station and thus a target SIR is corrected based on the comparison."

Applicants respectfully submit that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicants further submit that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner's statement should, in Applicants' view, not be read as constituting or meaning that the invention can or should be reduced to a single "feature" of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 12<sup>th</sup> day of August 2005.

Respectfully submitted,



Adrian J. Lee  
Attorney for Applicant  
Registration No. 42,785  
Customer No. 022913